IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14427 of 2004

Between:

Y.Ravinder Raju, s/o late Y.Rama Raju,51years,OCC: Deputy Superintendent Survey Officer, The Singareni Collieries Company Ltd., Corporate Safety, Kothagudem, Khammam District.

..... PETITIONER

AND

1 The Chairman, The Singareni Collieries Company Ltd.,
Red Hills, Hyderabad.
2 The Director (PA & W) The Singareni Collieries Company Ltd.,
Corporate Head Office, Kothagudem, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not promoting the petitioner to the category of E-4 to E-5 i.e., from the post of Deputy Superintendent Survey Officer to Superintendent Survey Officer or Dy. General Manager (Survey) on far with his juniors as arbitrary, illegal, and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the respondents to promote the petitioner from the category of E-4 to E-5 i.e., from the post of Deputy Superintendent Survey Officer to Superintendent Survey Officer or Dy. General Manager (Survey) on far with Juniors and grant all consequential monetory benefits and pass such other order or orders as may be just.

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondents: MR. K. SRINIVASA MURTHY

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner is working as Deputy Superintendent Survey Officer in Respondent-Singareni Collories Company Limited. The petitioner contends that he is eligible for promotion. He was inflicted a penalty of reduction of pay by one stage through proceedings dated 01-08-2003 and as per the said proceedings, he is entitled to earn increment with effect from 01-04-2004. The petitioner, therefore, contends that after 01-04-2004 he is eligible for promotion after completition of punishment period, but, the respondents are not considering his candidature for promotion. Subsequently the petitioner claims that he made a representation on 20-05-2004 requesting the respondents to consider his candidature for promotion. Since the respondents did not pass any order on his representation, he approached this Court seeking a direction to the respondents to consider his case and to pass appropriate orders regarding his promotion. The petitioner was inflicted the punishment of reduction of pay by one stage. The period of punishment was over by 01-04-2004.

The respondents are, therefore, directed to consider the representation of the petitioner dated 20-05-2004 requesting for promotion if the rules do not otherwise provided for extension of the period of punishment and pass appropriate orders within two(2) months from the date of receipt of a copy of this Order.

The writ petition is disposed of accordingly. No order as to costs.

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16TH AUGUST 2004

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To

1 The Chairman, The Singareni Collieries Company Ltd.,
Red Hills, Hyderabad.
2 The Director (PA & W) The Singareni Collieries Company Ltd.,
Corporate Head Office, Kothagudem, Khammam District.

3 two C.D.Copies